

**STANLY COUNTY
BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
NOVEMBER 16, 2015**

COMMISSIONERS PRESENT:

Janet K. Lowder, Chairman
Tony M. Dennis, Vice Chairman
Peter Ascitutto
Joseph Burleson
T. Scott Efird
Bill Lawhon
Gene McIntyre

COMMISSIONERS ABSENT:

None

STAFF PRESENT:

Andy Lucas, County Manager
Jenny Furr, County Attorney
Tyler Brummitt, Clerk

CALL TO ORDER

The Stanly County Board of Commissioners (the "Board") met in regular session on Monday, November 16, 2015 at 7:00 p.m. in the Commissioners Meeting Room, Stanly Commons. Chairman Lowder called the meeting to order with Vice Chairman Dennis leading a moment of silence and the pledge of allegiance.

APPROVAL / ADJUSTMENTS TO THE AGENDA

With no adjustments to the agenda, Vice Chairman Dennis moved to approve it as presented and was seconded by Commissioner Burleson. The motion passed by unanimous vote.

ITEM # 1 – SCUSA TRANSPORTATION

Presenter: Gwen Hinson, Transportation Director

A. Required Substance Abuse Policy Updates

Ms. Hinson requested Board approval of the required updates to the Stanly County Substance Abuse Policy in accordance with 49 CFR Part 655. The requested changes were primarily due to new definitions and clarifications with no procedural changes required.

With no questions, Vice Chairman Dennis moved to approve the updates as requested. Commissioner Efird seconded the motion which passed with a 7 – 0 vote.

B. RECOMMENDATION FOR APPOINTMENTS TO THE SCUSA TRANSPORTATION ADVISORY COMMITTEE

Ms. Hinson presented the slate of potential committee members noting that each individual was contacted and agreed to serve if appointed.

Commissioner Burleson inquired as to why there are so few members from the public sector. Ms. Hinson stated that she had been unable to find anyone from the general public to serve, but would welcome the opportunity. Commissioner Burleson stated he would like to table the item until the next meeting in order to allow time to locate individuals who would be willing to represent the general public on the advisory committee and made a motion to do so. The motion was seconded by Commissioner Lawhon.

Commissioner Lawhon inquired as to how many of the individuals listed are new committee members. Ms. Hinson responded stating that the majority of the members are required to serve due to their job title / position. Commissioner Lawhon also inquired about the maximum number of members allowed on the committee to which Ms. Hinson responded there is no maximum. She again stated that she would welcome participation from the public and private agencies in the community as well.

With a motion and second made to table the item, the motion passed with a 4 – 3 vote.

Ayes: Commissioner Burleson, Commissioner Efird, Commissioner Lawhon and Commissioner McIntyre

Nos: Chairman Lowder, Vice Chairman Dennis, Commissioner Asciutto

ITEM # 2 – REVIEW OF THE MODIFIED SCOPE OF THE PROPOSED AGRI-CIVIC CENTER LIVESTOCK ARENA

Presenters: Andy Lucas, County Manager, Candice Moffitt, Agri-Civic Center Director and Allan McGuire, Architect

Prior to the presentation, Chairman Lowder turned the proceedings over the Vice Chairman Dennis in order to participate in the discussion.

The County Manager provided a brief review of the livestock arena concept as it was originally presented in December 2012. Due to the scope of the project going beyond the initial proposal, Allan McGuire provided a Powerpoint presentation to show the modified and expanded scope of the project as proposed by the Arena Steering Committee. He noted a significant increase in the cost of the project of \$700,000 which is due to the removal of 25,000 cubic yards of dirt to grade the area and the addition of a building at the arena to provide additional support space to be used for restrooms, receptions, changing areas, etc. The

estimated cost of the building is \$250,000. Originally, the cost of the project was estimated to be \$750,000 - \$1,000,000 in 2012, but is now estimated to be \$1.75 million - \$2 million with \$547,000 raised thus far. Steering committee members Mr. Curtis Furr and Mr. Reggie Medlin came forward to address the Board in favor of the proposed arena and support building.

After consideration of the information presented, Board consensus was to have an impact / feasibility study completed prior to any further commitment for the project. The study will provide answers for many of the questions posed by the Board related to the potential income to be generated, the type of events the arena would attract, potential sales tax revenue to be generated and the ongoing repairs / maintenance costs for the facility.

After a period of continued discussion by the Board, Commissioner McIntyre moved to authorize staff to research and locate a firm to conduct the feasibility study and the cost and timeframe for it to be completed. His motion was seconded by Commissioner Efird and passed by unanimous vote.

Vice Chairman Dennis turned the proceedings back over to Chairman Lowder to continue the meeting.

ITEM # 3 – EMERGENCY COURTHOUSE BUILDING ENVELOPE REPAIR

Presenter: Andy Lucas, County Manager

During the replacement of the fourth floor windows, it was discovered the caulking between the façade panels above the windows is also in need of repair to address the water intrusion issues at the Courthouse building prior to any interior repairs being made. Strickland Waterproofing Co. Inc. of Charlotte provided the lowest bid of \$39,995 which will require an appropriation of \$39,000 from General Fund balance. The remaining \$995 can be allotted from Facilities current fiscal year budget.

Commissioner Efird moved to approve the emergency caulking repair at the Courthouse and the associated budget amendment # 2016-15. The motion was seconded by Vice Chairman Dennis.

Prior to a vote, Commissioner Burleson asked if any other bids were received to which the County Manager responded yes, but included the lower of the two (2) bids for the Board's review. Commissioner Lawhon also inquired as to whether any local contractors were contacted. The County Manager stated that he requested Facilities Director Jerry Morton contact companies who specialize in this area of repair and that the County has contracted with

Strickland Waterproofing Company in the past for repairs at both the Courthouse and Senior Center.

With no further discussion, Chairman Lowder called for a vote. The motion passed by unanimous vote.

ITEM # 4 – RESOLUTION OF SUPPORT FOR ONE-QUARTER CENT SALES TAX SPECIAL ADVISORY REFERENDUM

Presenter: Vice Chairman Dennis

For Board consideration, Vice Chairman Dennis presented the resolution of support reaffirming the Board's support for a special advisory sales tax referendum on the March 15, 2016 primary ballot with proceeds dedicated for public education.

After reading the resolution, Vice Chairman Dennis moved to approve its adoption. His motion was seconded by Commissioner Asciutto.

Commissioner Burleson stated that he was not in favor of the School Board's proposed plans which continue to include closing community schools and requested Vice Chairman Dennis' consideration of five (5) proposed amendments to the resolution. Vice Chairman Dennis stated the resolution was to be voted on "as is" with no changes. Commissioner Asciutto stated that a vote against the resolution is a vote against funding for education. Commissioner Burleson disagreed stating that he feels citizens will not support a blanket sales tax referendum unless it includes keeping community schools open.

With a first and second, Chairman Lowder called for a vote. The motion carried with a 5 – 2 vote.

Ayes: Chairman Lowder, Vice Chairman Dennis, Commissioner Asciutto, Commissioner Efird, and Commissioner Lawhon

Nos: Commissioner Burleson and Commissioner McIntyre

See Exhibit A

Resolution in Support of the Scheduled March 15, 2016 Special Advisory Referendum to Increase the Stanly County Sales Tax Rate by ¼% for Public Education

ITEM # 5 – CONSENT AGENDA

A. Minutes – Regular meeting of November 2, 2015

B. Finance – Request approval of the attached vehicle tax refunds

Commissioner Ascitutto moved to approve the above items as presented and was seconded by Vice Chairman Dennis. The motion passed by unanimous vote.

PUBLIC COMMENT – None

BOARD COMMENTS, ANNOUNCEMENTS & COMMITTEE REPORTS

Commissioner Ascitutto thanked Commissioner Efird for his help with three recent town hall meetings to promote the sales tax referendum. He also congratulated the student athletes at Gray Stone and West Stanly High School on their performances in recent state competitions.

Commissioner Burleson stated he recently attended the Oakboro Veterans Day celebration and noted the success of the event. He also stated concerns with the increased cost of the proposed livestock arena and his disappointment with the Board's approval of the proposed sales tax referendum resolution earlier in the meeting.

Commissioner McIntyre stated the veterans' parade hosted by Oakboro was the best in recent years. He also reiterated Commissioner Burleson's comments pertaining to the sales tax referendum resolution stating he felt the School Board has not held up their end of the agreement by continuing to propose community school closings.

Commissioner Efird provided statistics related the monthly performance reports for both the fire departments and airport and reminded everyone of the Locust Christmas parade which will be held on Saturday, November 28th. He also wished everyone a Happy Thanksgiving and congratulated Representative Justin Burr on his recent induction into the NC Republican Party Hall of Fame.

CLOSED SESSION

Vice Chairman Dennis moved to recess the meeting into closed session in order to discuss a real estate transaction in accordance with G. S. 143-318..11(a)5). The motion was seconded by Commissioner Burleson and carried by a 7 – 0 vote at 8:29 p.m.

REQUEST TO BE EXCUSED

Prior to the announcement, Commissioner Efird requested to be excused from voting on the next item. Commissioner McIntyre moved to approve the request and was seconded by Vice Chairman Dennis. Motion passed unanimously.

ANNOUNCEMENT

Upon returning to open session, Commissioner Burleson read the following statement and made the motion to:

- A.** Approve the Board's intent to purchase the City of Locust's fifty percent (50%) undivided interests in the Big Lick sewer transmission line and associated assets contingent upon the following:
 - 1. NC DENR approval of ownership and permit name change
 - 2. NC DOT approval of encroachment name change
 - 3. Legal ability to assign the current inter-local agreement between Stanfield and Locust
- B.** Authorize staff to negotiate any changes to the asset purchase agreement and assignment of easements in the best interest of the County
- C.** Authorize the Chairman or Vice Chairman (if Chair not available) to execute the asset purchase agreement and any associated easement assignments contingent on the aforementioned items

The motion was seconded by Vice Chairman Dennis and approved with a 6 – 0 vote (Commissioner Efird abstained.)

ADJOURN

There being no further discussion, Commissioner Lawhon moved to adjourn the meeting and was seconded by Vice Chairman Dennis. Motion passed by unanimous vote at 8:47 p.m.

Chairman

Tyler Brummitt, Clerk